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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 December 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☒ Claim(s) *1-24* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 December 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☒ All   b)☐ Some *   c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *12/15/2005*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____

DETAILED ACTION

1.   The following is a non-final, first action on the merits in

   response to application filed on 12/15/2005. Claims 1-24 are

   pending.

Priority

2.   Acknowledgment is made of applicant's claim for foreign

   priority under 35 U.S.C. 119(a)-(d). The certified copy has

   been filed with the present Application No. 10/560,985, filed

   on 12/15/2005. There is no parent application.

Information Disclosure Statement

3.   The information disclosure statement (IDS) submitted on

   12/15/2005 was filed. The submission is in compliance with the

   provisions of 37 CFR 1.97. Accordingly, the information

   disclosure statement is being considered by the examiner.

Specification

4.   The following guidelines illustrate the preferred layout

   for the specification of a utility application.   These

   guidelines are suggested for the applicant's use. The Examiner

   requests that the Applicant make any necessary corrections to

   address missing sections and improper sequencing.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a
utility application should include the following sections in
order. Each of the lettered items should appear in upper
case, without underlining or bold type, as a section heading.
If no text follows the section heading, the phrase "Not
Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

(b) CROSS-REFERENCE TO RELATED APPLICATIONS.

(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR

DEVELOPMENT.

(d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.

(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A

COMPACT DISC.

(f) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information

disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE

DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

    (j) CLAIM OR CLAIMS (commencing on a separate sheet).

    (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate
       sheet).

    (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-
       1.825. A "Sequence Listing" is required on paper if
       the application discloses a nucleotide or amino acid
       sequence as defined in 37 CFR 1.821(a) and if the
       required "Sequence Listing" is not submitted as an
       electronic document on compact disc).

5. The abstract of the disclosure is objected to because of
the use of Idiomatic English and improper grammar. It appears
the errors are a result of a poor translation. Correction is
required. See MPEP § 608.01(b).

6. The disclosure is objected to under 37 CFR 1.71, as being
so incomprehensible as to preclude a proper search of the
prior art by the examiner. For example, the following items
are not understood:

   The entire disclosure is replete with errors concerning
both Idiomatic English and improper grammar. It appears the
errors are a result of a poor translation. The Examiner notes
that a search has been done according to what the Examiner

could reasonably interpret from the disclosure. However, the

Examiner was unable to complete a proper search of the prior

art.

Applicant is required to submit an amendment which

clarifies the disclosure so that the examiner may make a

proper comparison of the invention with the prior art.

Applicant should be careful not to introduce any new matter

into the disclosure (i.e., matter which is not supported by

the disclosure as originally filed).

A shortened statutory period for reply to this action is

set to expire ONE MONTH or THIRTY DAYS, whichever is longer,

from the mailing date of this letter.

7.   A substitute specification in proper idiomatic English and

in compliance with 37 CFR 1.52(a) and (b) is required. The

substitute specification filed must be accompanied by a

statement that it contains no new matter.

Claim Objections

8.   Claims 1-24 are objected to because of the following

informalities:

Claims 1-24 contain numerous grammatical errors. It appears

this is a result of a poor translation. For example, claim 3

recites "wherein a sale, condition" in lines 1-2. The comma

between "sale" and "condition" should be deleted. As another

example, claim 14 recites "the coupon receiver inputs his won

unique code" in line 3. The term "won" should be recited as

"one". As another example, claim 15 recites "storing

unique.codes" in line 3. The punctuation between "unique" and

"codes" should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35

U.S.C. 112:

> The specification shall conclude with one or more claims particularly
> pointing out and distinctly claiming the subject matter which the applicant
> regards as his invention.

9.   Claims 1-24 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly

point out and distinctly claim the subject matter which

applicant regards as the invention.

The claims are generally narrative and indefinite, failing

to conform with current U.S. practice. They appear to be a

literal translation into English from a foreign document and

are replete with grammatical and idiomatic errors.

In addition, claim 9 recites the calculation of "the

sending quantity". As claimed, "the sending quantity" is

calculated by dividing the sale goal quantity by a ratio of

"the sending quantity" to the sale quantity. It is unclear to

the Examiner how "the sending quantity" can be calculated by

using itself in the calculation. If this value was already

known, there would be no need for the calculation. Thus, claim

9 is rejected for being indefinite. See MPEP 2173. For the

purposes of examination, the Examiner interprets "the sending

quantity" to be calculated and set according to predefined

parameters.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine,
manufacture, or composition of matter, or any new and useful improvement
thereof, may obtain a patent therefor, subject to the conditions and
requirements of this title.

10.   Claims 1-24 are rejected under 35 U.S.C. 101 because the

claimed invention is directed to non-statutory subject matter

Claim 1 recites a method for selling perishable resources

using one-way sending time expiring coupons. Although this

claim satisfies the requirement as one of the four statutory

categories (i.e. process), it is directed to an abstract idea.

The claim recites the construction of databases and the

storing and analysis of data, none of which are recorded on a

computer-readable medium. As per MPEP 2106.01, functional

descriptive material is non-statutory when claimed as

descriptive material per se and not structurally or

functionally interrelated to a computer-readable medium.

Therefore, it is respectfully submitted that claim 1 is

rejected under 35 U.S.C. 101 for being directed to non-

statutory subject matter.

   Furthermore, based on Supreme Court precedent, a

method/process claim must (1) be tied to another statutory

class of invention (such as a particular apparatus) (see at

least Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v.

Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409

U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780, 787-88

(1876)) or (2) transform underlying subject matter (such as an

article or materials) to a different state or thing (see at

least Gottschalk v. Benson, 409 U.S. 63, 71 (1972)). A

method/process claim that fails to meet one of the above

requirements is not in compliance with the statutory

requirements of 35 U.S.C. 101 for patent eligible subject

matter. Here the claims fails to meet the above requirements

because the steps are neither tied to another statutory class

of invention (such as a particular apparatus) nor physically

transform underlying subject matter (such as an article or
materials) to a different state or thing. The claim appears to
simply manipulate data.

Claims 2-24 depend from claim 1 and do not cure the
deficiencies set forth above. Therefore, claims 2-24 are also
rejected for being directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which
forms the basis for all obviousness rejections set forth in this
Office action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

11. **Claims 1-4, 6-9, 11-16, 18 and 22-24 are rejected under 35
U.S.C. 103(a) as being unpatentable over Forlai (US 7,243,082
B1) (hereinafter Forlai) in view of Hoffman et al. (US
2003/0041001 A1) (hereinafter Hoffman).**

12. As per claim 1, Forlai discloses a method for selling

   perishable resources using one-way sending time expiring

   coupons, comprising the steps of:

      a) updating a sale schedule by inquiring information of

   resources to sell from a sale network server according to

   update cycles (column 13, lines 26-28, SO database tracks all

   sales offers and conditions, see also column 15, lines 58-63,

   quantity and type of goods or services offered may be set

   according to communications or instructions received from

   seller, see also column 23, lines 23-30, site administrator

   receives report of number of available products or services to

   provide through sale offers), and

      storing the information of resources in a sale schedule

   database (column 13, lines 26-28, SO database tracks all sales

   offers and conditions, see also column 17, lines 61-65,

   parameters concerning each sales offer stored and monitored by

   central controller including quantity and/or type of goods to

   be offered and the price and sales terms of the offer);

      b) constructing a sending plan database by preparing and

   storing a sending condition, sending information and a sending

   plan for coupon sending (column 13, lines 26-28, SO database

   tracks all sales offers and conditions, see also column 17,

lines 46-65, parameters define when and how the sale offer is
generated);

c) collecting past sale rate information, storing the
collected past sale rate information in a sale rate history
database (column 13, lines 53-55, audit database 295 stores
transactional information relating to transmission of each
sale offer to be retrieved for later analysis, see also column
26, lines 16-22, any completed sale offer tracking data
reviewed by site administrator to see results of sale offer
and number of sale transactions successfully completed);

d) limiting a sending quantity of coupons based on profit-
and-loss account and determining the sending quantity of
coupons through a comparison of differences between the sale
cycle, sending time and sale closing time (column 15, lines
61-67, quantity of goods or services offered set by
instructions received from seller, see also column 17, lines
46-65, parameters define when and how sale offer is generated
including the quantity and/or type of goods to be offered and
the price and sale terms for the offer);

e) constructing a sending target extracting database by
extracting and storing member data corresponding to the
sending conditions (column 13, lines 18-25, database 258
stores information about registered users including

preferences and demographic-type data, see also column 24,
lines 5-13, target particular registered buyers based on
profile or identifier that matches predetermined profile,
target based on demographic profiles);

f) constructing a sending database by storing unique codes
together with message codes stored in the sending plan
database (column 13, lines 33-42, seller response database
tracks all sale offers by seller ID number, purchase tracking
ID number and associated sale offer tracking number, purchase
confirmation database tracks messages sent between buyer and
seller), and

preparing a coupon based on the sending database (column
18, lines 1-14, central controller determines it is time to
generate sale offer and is electronically presented to buyer);

g) sending the prepared coupon to the extracted member
(column 18, lines 1-4, central controller determines it is
time to present sale offer, sale offer is electronically
presented according to parameters);

h) accessing a sales network system for member
authentication by the member receiving the coupon (column 18,
lines 20-22, when there is a sign-in by a potential buyer the
central controller will request contract and payment data from
potential buyer); and

    i) selecting resources, sending purchase intention and

paying for the selected resources by the member authenticated

by the sales network system (column 5, lines 21-29, controller

transmits payment identifier together with a final statement

of acceptance to be electronically signed and filled out with

credit card data or payment delivery form, see also column 18,

lines 36-41, potential buyer provides requested data and

confirm acceptance of the offer through network).

Forlai does not explicitly disclose

(c)constructing a sale rate predicting database by processing

the stored past sale rate information to generate and store

sale rate predicting information.

However, Hoffman teaches a Data Warehouse that contains

critical supply chain information including sales history and

forecasts that provide a basis for planning and forecasting

([0273]). Hoffman also teaches forecasting promotional items

based on historical data ([0314-15]).

It would have been obvious to one of ordinary skill in the art

at the time of the invention to modify Forlai to include

storing analyzed historical information to plan and forecast

promotional item offers as a way to ensure the sale offers
presented to prospective buyers are those which appeal to the
target audience and perform well. This would result in
efficient inventory control, thus making a more profitable
business.

13. As per claim 2, Forlai in view of Hoffman discloses the
method as set forth in claim 1 (as rejected above). Forlai
further discloses the step of

generating the unique codes corresponding to the extracted
member data when the coupon is prepared in the step f) (column
9, lines 39-43, buyers targeted for sale offer according to
predetermined identifiers, see also column 11, lines 44-48,
buyer ID number stored in buyer database, see also column 13,
lines 26-29, SO database tracks all sale offers via tracking
number and buyer identification number).

14. As per claim 3, Forlai in view of Hoffman discloses the
method as set forth in claim 1 (as rejected above). Forlai
further discloses wherein

a sale, condition on which resources are available is
stored in the coupon prepared in the step f) (column 13, lines
26-29, SO database tracks sale offer conditions).

Forlai does not explicitly disclose

the prepared coupon is signed according to a predetermined
encryption method.

However, Forlai does teach a cryptographic/encryption key
database that facilitates cryptographic functions (column 13,
lines 48-52). Forlai also teaches a buyer database that
maintains public/private key information on buyers. (column
13, lines 1-8).

It would have been obvious to one of ordinary skill in the art
at the time of the invention to modify Forlai to
electronically sign the sale offers using encryption to ensure
the sale offers are sent to the appropriate registered
potential buyers, and only those appropriate buyers have the
corresponding decryption information for sale offer retrieval.

15. As per claim 4, Forlai discloses the method as set forth in
claim 2 (as rejected above). Forlai further discloses wherein

the sending condition has different cycles at which
information of resources is updated in a database and
different database contents depending on kinds of resources

(column 17, lines 46-65, central controller stores and

monitors parameters that define when and how a sale offer is

generated).

16. As per claim 6, Forlai discloses the method as set forth in

claim 2 (as rejected above).

Forlai does not explicitly disclose wherein the step of

limiting the sending quantity based on profit-and-loss account

includes

setting the sending quantity of current coupons for

resource schedule to a predetermined minimum value or stopping

the sending of coupons if a division of" quantity of sale for

the latest resource schedule after the sale closing time

passes among resources to sell at a store selling resources

indicated in the current coupon "by" the sending quantity" is

lowered below a ratio of the sending quantity to the sale

quantity at a break-even point.

However, Forlai does teach that the quantity and type of goods

and services offered are set according to communications or

instructions from the seller (column 15, lines 61-63). In

addition, the time to generate sale offers is predefined by

the sale offer generation parameters which include the
quantity of goods to be offered, the price and sales terms as
well as specific times of generation and duration of the sale
offer. If the central controller determines there is no sale
offer to generate, the sale offer is not generated and the
central controller continues to monitor parameters (column 17,
lines 46-67 - column 18, lines 1-14).

It would have been obvious to one of ordinary skill in the art
at the time of the invention to modify Forlai to limit the
amount of sale offers generated for prospective buyers to
ensure profitability. As per the teachings of Forlai, by the
seller controlling the sale offer generation parameters, they
are essentially setting limits or constraints for the sale
offers based on inventory management and pricing.

17. As per claim 7, Forlai discloses the method as set forth in
claim 2 (as rejected above).

Forlai does not explicitly disclose wherein,
     if at difference between the sending time and the sale
closing time is similar to or less than a sale cycle, an
expected residual quantity at the sale closing time is a sale

goal quantity if a multiplication of" a sale quantity at P
time before the sale closing time "by" a multiple of sending
quantity" is equal to or more than the expected residual
quantity, and the multiplication of "a sale quantity at P time
before the sale closing time" by" a multiple of sending
quantity" is the sale goal quantity if the multiplication of
"a sale quantity at P time before the sale closing time "by" a
multiple of sending quantity" is less than the expected
residual quantity.

However, Forlai does teach that the quantity and type of goods
and services offered are set according to communications or
instructions from the seller (column 15, lines 61-63). In
addition, the time to generate sale offers is predefined by
the sale offer generation parameters which include the
quantity of goods to be offered, the price and sales terms as
well as specific times of generation and duration of the sale
offer. If the central controller determines there is no sale
offer to generate, the sale offer is not generated and the
central controller continues to monitor parameters (column 17,
lines 46-67 - column 18, lines 1-14).

It would have been obvious to one of ordinary skill in the art
at the time of the invention to modify Forlai to control the
amount of sale offers generated for prospective buyers to
ensure profitability. As per the teachings of Forlai, by the
seller controlling the sale offer generation parameters, they
are essentially setting limits or constraints for the sale
offers based on inventory management and pricing.

18. As per claim 8, Forlai discloses the method as set forth in
claim 2 (as rejected above).

Forlai does not explicitly disclose wherein,
   if a difference between the sending time and the sale
closing time is more than a sale cycle, a residual sale
quantity at a previous sending time is a sale goal quantity if
a multiplication of "a sale quantity at P time before the sale
closing time at the previous sending time "by" a multiple of
sending quantity" is equal to or more than the residual sale
quantity, and the multiplication of" a sale quantity at P time
before the sale closing time at the previous sending time "by"
a multiple of sending quantity" is the sale goal quantity if
the multiplication of" a sale quantity at P time before the

sale closing time at the previous sending time "by" a multiple
of sending quantity" is less than the residual sale quantity.

However, Forlai does teach that the quantity and type of goods
and services offered are set according to communications or
instructions from the seller (column 15, lines 61-63). In
addition, the time to generate sale offers is predefined by
the sale offer generation parameters which include the
quantity of goods to be offered, the price and sales terms as
well as specific times of generation and duration of the sale
offer. If the central controller determines there is no sale
offer to generate, the sale offer is not generated and the
central controller continues to monitor parameters (column 17,
lines 46-67 - column 18, lines 1-14).

It would have been obvious to one of ordinary skill in the art
at the time of the invention to modify Forlai to control the
amount of sale offers generated for prospective buyers to
ensure profitability. As per the teachings of Forlai, by the
seller controlling the sale offer generation parameters, they
are essentially setting limits or constraints for the sale
offers based on inventory management and pricing.

19. As per claim 9, Forlai discloses the method as set forth in

   claim 7 (as rejected above).

   Forlai does not explicitly disclose wherein

      the sending quantity is calculated by dividing the sale

   goal quantity by a ratio of the sending quantity to the sale

   quantity.

   However, Forlai does teach that the quantity and type of goods

   and services offered are set according to communications or

   instructions from the seller (column 15, lines 61-63). In

   addition, the time to generate sale offers is predefined by

   the sale offer generation parameters which include the

   quantity of goods to be offered, the price and sales terms as

   well as specific times of generation and duration of the sale

   offer. If the central controller determines there is no sale

   offer to generate, the sale offer is not generated and the

   central controller continues to monitor parameters (column 17,

   lines 46-67 - column 18, lines 1-14).

   It would have been obvious to one of ordinary skill in the art

   at the time of the invention to modify Forlai to control the

   amount of sale offers generated for prospective buyers to

ensure profitability. As per the teachings of Forlai, by the

seller controlling the sale offer generation parameters, they

are essentially setting limits or constraints for the sale

offers based on inventory management and pricing.

20. As per claim 11, Forlai discloses the method as set forth

in claim 2 (as rejected above). Forlai further discloses

wherein

the coupon sending is performed according to a personalized

message sending method (column 11, lines 3-36, sale offer

messages exchanged between registered user and central

controller web server).

21. As per claim 12, Forlai discloses the method as set forth

in claim 11 (as rejected above). Forlai further discloses

wherein

the personalized message sending method is sent through one

selected from sending by a mobile advertisement agency server,

sending by its own message sending server (column 11, lines 3-

36, sale offer messages exchanged between registered user and

central controller web server), and sending by an electronic

mail.

22. As per claim 13, Forlai discloses the method as set forth

in claim 2 (as rejected above). Forlai further discloses

wherein

   payment is performed through one selected from payment

systems including an addition to mobile telephone charges, a

credit card (column 5, lines 21-29, central controller issue

payment identifier to buyer together with a final statement of

acceptance to be electronically signed and filled out with

credit card data or description of cash or payment),

electronic money, points of cards, and cash at a store.

23. As per claim 14, Forlai discloses the method as set forth

in claim 2 (as rejected above), wherein

   a coupon receiver's identity is automatically confirmed and

the coupon receiver logs in the sale network system when the

coupon receiver inputs his won unique code into an URL of the

sale network system to access the sale network system by using

the coupon (column 7, lines 6-9, central controller has

received a buyer "sign-in", automatically assigned a tracking

number and having sent an acceptance form).

24. As per claim 15, Forlai discloses the method as set forth

in claim 2 (as rejected above). Forlai further discloses

a step of automatically determining which resources are
purchasable by storing unique codes generated for each coupon
together with sending information such as the sale closing
time and target resources and comparing two unique codes with
each other when the coupon receiver accesses the sale network
system (column 17, lines 43-67 - column 18, lines 1-14,
parameters define when and how sale offer is generated,
parameters include frequency, duration, specific start time,
quantity and/or type of goods to be offered and sales terms,
while monitoring the sale offer generation parameters the
controller determines to offer sale, see also column 22, lines
52-67 - column 23, lines 1-5, administrator inputs detailed
offer parameters, automatic programming option provided to
automatically generate sale offers).

25. As per claim 16, Forlai discloses the method as set forth
in claim 2 (as rejected above). Forlai further discloses
the step of chasing information of a coupon receiver using
the unique code inserted in the coupon to grasp the quantity
of purchase for each individual and the sale rate for each
group of clients (column 13, lines 1-25, buyer database 255
contains sale offer tracking number, database 258 stores
information about registered buyers such as particular sites

they have visited, the nature and amount of any purchases they

made and additional demographic-type data, see also column 13,

lines 26-29, SO database 265 tracks sale offer information and

buyer identification number).

26. As per claim 18, Forlai discloses the method as set forth

in claim 2 (as rejected above).

Forlai does not explicitly disclose

a step of selling only for a residual quantity of a

resource that is assumed not to sell, keeping some quantity of

the resource to sell at a normal price.

However, Forlai does teach a sale offer that is electronically

presented to a buyer at various random times (column 2, lines

30-42).

It would have been obvious to one of ordinary skill in the art

at the time of the invention to modify Forlai to keep a

certain quantity of resources to sell at a normal price in

order to make a higher profit. As per the teachings of Forlai,

the sale offers are presented for a limited time only. Thus,

Forlai is essentially keeping the remainder of resources to
sell at the normal price.

27. As per claim 22, Forlai discloses the method as set forth
in claim 2 (as rejected above). Forlai further discloses
wherein

a sending interval and the sending quantity of the coupon
are random such that clients can not predict the time of
coupon sending (column 8, lines 67 - column 9, lines 1-2, sale
offers made at unpredictable or random times, see also column
15, lines 58-60, generation of sale offers appear at
unpredictable times during the day).

28. As per claim 23, Forlai discloses the method as set forth
in claim 2 (as rejected above). Forlai further discloses

the unique codes are the same code to all members, and
members having the unique codes are endowed with new
respective unique codes when the members access a one-way
sending time expiring coupon server (column 16, lines 33-45,
visitor provides registration data, registered user assigned a
unique personal ID number that is stored in database 258, see
also column 24, lines 5-67, registered buyers targeted based
on matched identifier, potential buyers notified of sale

offer, potential buyer selects "Sign-In" and buyer tracking
data including actions performed and assigned tracking number
is logged, central controller automatically assigns unique
tracking number associating sale offer to buyer).

29. As per claim 24, Forlai discloses the method as set forth
in claim 2 (as rejected above). Forlai further discloses
coupon numbers are allocated to databases for each member
ID (column 13, lines 1-10, buyer database 255 contains buyer
Id number and tracking number of each acceptance form and the
corresponding sale offer tracking number, see also column 13,
lines 26-29, SO database 265 tracks sale offer tracking number
and buyer identification number), and members access a one-way
sending time expiring coupon server so that the members
confirm sending of coupons and use the coupons (column 18,
lines 36-55, potential buyer provides requested data and
confirms acceptance of sale offer through interface to the
electronic network environment).

30. **Claims 5, 10 and 17 are rejected under 35 U.S.C. 103(a) as**
being unpatentable over Forlai (US 7,243,082 B1) (hereinafter
Forlai) in view of Hoffman et al. (US 2003/0041001 A1)
(hereinafter Hoffman) as applied to claims 1-4, 6-9, 11-16, 18

and 22-24 above, and further in view of Baker (US 6,505,046

B1) (hereinafter Baker).

31. As per claim 5, Forlai discloses the method as set forth in

claim 2 (as rejected above). Forlai further discloses the step

of

   constructing a member purchasability condition setup

database by storing available time zone information of the

one-way sending time expiring coupon designated by the member

(column 13, lines 26-29, SO database 265 tracks sale offer

time and conditions).

Forlai in view of Hoffman does not explicitly disclose

   position information of the member.

However, Baker teaches retrieving a subscriber's location from

the mobile origination and comparing it to the retailer

records stored in the database for the location (column 2,

lines 19-27). Once the origination is processed, all available

coupons for that location are sent to subscriber (column 8,

lines 37-41, see also column 9, lines 7-13).

It would have been obvious to one of ordinary skill in the art
at the time of the invention to modify Forlai and Hoffman to
include tracking information regarding a member's location in
order to issue coupons based on the location of the member.
Forlai and Hoffman both deal with sale offers and coupons
generated for goods and the teachings of Baker would allow
Forlai and Hoffman to reach a larger audience more frequently
with coupons and advertising, resulting in more efficient
inventory control.

32. As per claim 10, Forlai discloses the method as set forth
in claim 2 (as rejected above). Forlai further discloses
wherein the step of extracting the member data includes:

    extracting a member by inquiring a member coupon sending
frequency for a predetermined period of time, which is stored
in a sending frequency database for each kind of resource
(column 13, lines 18-25, database 258 stores information about
registered users including preferences and demographic-type
data, see also column 24, lines 5-13, target particular
registered buyers based on profile or identifier that matches
predetermined profile, predefined by sale offer parameters or
randomly triggered by internal clock, target based on
demographic profiles, see also column 23, lines 16-19, sale

offers generated at randomly selected times or a predetermined
frequency over a defined time period);

searching a member purchasability conditions setup database
to extract only a member who can purchase a resource indicated
on a coupon to be sent currently (column 17, lines 65-67 -
column 18, lines 1-14, central controller monitors sale offer
generation parameters to determine when to generate sale
offer, see also column 24, lines 5-13, target particular
registered buyers based on profile or identifier that matches
predetermined profile, target based on demographic profiles);

extracting a member belonging to a group of clients to whom
a sending quantity is allocated, from the member information
database by the sending quantity (column 9, lines 39-51,
target potential buyer groups for sale offers, see also column
24, lines 5-25, target sale offers to buyer groups based on
various parameters and identifiers); and

extracting a sale quantity and a sending quantity for each
member during the last one year at an idle time zone of one
day during which a coupon sending operation is not conducted,
from a sale database and a sending database, adding the number
of times of sale and the number of times of sending for each
member, respectively, and storing a result of the addition in
a member sending quantity and sale quantity database (column

11, lines 51-55, database 258 stores information on registered
users or buyers such as particular sites they have visited,
the nature and amount of any purchases made, personal
preferences and additional demographic-type data, see also
column 13, lines 52-55, audit database 295 stores
transactional information relating to transmission of each
sale offer allowing it to be retrieved for later analysis, See
also column 23, lines 24-52, site administrator receives
report on whether buyer tracking function status is active or
non-active and the number of active tracking functions).

Forlai in view of Hoffman does not explicitly disclose
   searching a sending target store area database and a member
information database to extract a member who is assumed to be
located in a position at which the resources of the store can
be purchased for each kind of the resource and for each P
time;

However, Baker teaches retrieving a subscriber's location from
the mobile origination and comparing it to the retailer
records stored in the database for the location (column 2,
lines 19-27). Once the origination is processed, all available

coupons for that location are sent to subscriber (column 8,
lines 37-41, see also column 9, lines 7-13).

It would have been obvious to one of ordinary skill in the art
at the time of the invention to modify Forlai and Hoffman to
include tracking information regarding a member's location in
order to issue coupons based on the location of the member.
Forlai and Hoffman both deal with sale offers and coupons
generated for goods and the teachings of Baker would allow
Forlai and Hoffman to reach a larger audience more frequently
with coupons and advertising, resulting in more efficient
inventory control.

33. As per claim 17, Forlai discloses the method as set forth
in claim 2 (as rejected above).

Forlai in view of Hoffman does not explicitly disclose
   the step of displaying resources to sell in a store close
to a domicile of a coupon receiver before a resource list is
displayed.

However, Baker teaches retrieving a subscriber's location from
the mobile origination and comparing it to the retailer

records stored in the database for the location (column 2,
lines 19-27). Once the origination is processed, all available
coupons for that location are sent to subscriber (column 8,
lines 37-41, see also column 9, lines 7-13).

It would have been obvious to one of ordinary skill in the art
at the time of the invention to modify Forlai and Hoffman to
include tracking information regarding a member's location in
order to issue coupons based on the location of the member.
Forlai and Hoffman both deal with sale offers and coupons
generated for goods and the teachings of Baker would allow
Forlai and Hoffman to reach a larger audience more frequently
with coupons and advertising, resulting in more efficient
inventory control.

34. **Claims 19-21 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Forlai (US 7,243,082 B1) (hereinafter
Forlai) in view of Hoffman et al. (US 2003/0041001 A1)
(hereinafter Hoffman) as applied to claims 1-4, 6-9, 11-16, 18
and 22-24 above, and further in view of Anttila et al. (US
6,862,575 B1) (hereinafter Anttila).**

35.   As per claim 19, Forlai discloses the method as set forth

   in claim 2 (as rejected above). Forlai further discloses

      the step of paying for a coupon received by a coupon

   receiver (column 5, lines 21-37, registered buyer accepts

   offer and provides payment information, central controller

   stores payment, keeps track of it and sends a reply to buyer

   notifying payment receipt).

   Forlai in view of Hoffman does not explicitly disclose

      then sending the paid coupon to another person.

   However, Anttila teaches a customer issuing a share request to

   a coupon system. The customer is identified and the recipient

   customer is defined and reviewed to ascertain they are

   eligible for receiving the coupon. Once the database indicates

   the recipient is appropriate, a new customer coupon is

   generated with new identification numbers (column 6, lines 34-

   44).

   It would have been obvious to one of ordinary skill in the art

   at the time of the invention to modify Forlai and Hoffman to

   include sharing of coupons to other potential buyers. As sales

   incentives are offered to spark initial customer interest in

hopes of retaining those customers for future business, the
sale offers will continue to build the customer base, thus
increasing potential profits.

36. As per claim 20, Forlai discloses the method as set forth
in claim 19 (as rejected above).

Forlai in view of Hoffman does not explicitly disclose

the step of checking whether said another person receiving
the coupon is a member or not, and inviting said another
person to become a member if said another person is not a
member.

However, Anttila teaches a customer issuing a share request to
a coupon system. The customer is identified and the recipient
customer is defined and reviewed to ascertain they are
eligible for receiving the coupon. Once the database indicates
the recipient is appropriate, a new customer coupon is
generated with new identification numbers (column 6, lines 34-
44). In addition, the system requires customers wanting to
obtain coupons to register with the system to establish their
wallet (column 5, lines 10-20).

It would have been obvious to one of ordinary skill in the art
at the time of the invention to modify Forlai and Hoffman to
include sharing of coupons to other potential buyers. As sales
incentives are offered to spark initial customer interest in
hopes of retaining those customers for future business, the
sale offers will continue to build the customer base, thus
increasing potential profits.

37. As per claim 21, Forlai discloses the method as set forth
in claim 2 (as rejected above).

Forlai in view of Hoffman does not explicitly disclose
   the step of storing information of another person in a
membership database by a member accessing a one-way sending
time expiring coupon server.

However, Anttila teaches coupons are stored in a database and
coupon results are sent to the customer for storage in his
wallet. Once the database indicates appropriate sharing of
coupon, the new coupon is placed in the recipient customer's
wallet and the initial customer is given credit for the
sharing procedure (column 6, lines 31-44).

It would have been obvious to one of ordinary skill in the art
at the time of the invention to modify Forlai and Hoffman to
include sharing of coupons to other potential buyers and
storing the potential buyer information. As sales incentives
are offered to spark initial customer interest in hopes of
retaining those customers for future business, the sale offers
will continue to build the customer base, thus increasing
potential profits.

Conclusion

38. Examiner has pointed out particular references contained in
the prior arts of record in the body of this action for the
convenience of the applicant. Although the specified citations
are representative of the teachings in the art and are applied
to the specific limitations within the individual claim, other
passages and figures may apply as well. It is respectfully
requested from the applicant, in preparing the response, to
consider fully the entire references as potentially teaching
all or part of the claimed invention, as well as the context
of the passage as taught by the prior arts or disclosed by the
Examiner.

39. Any inquiry concerning this communication or earlier
communications from the examiner should be directed to WILLIAM

A. BRANDENBURG whose telephone number is (571)270-5488. The
examiner can normally be reached on Monday-Thursday 6:30 am -
5:00 pm EST.

   If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, Bradley Bayat can be
reached on 571-272-6704. The fax phone number for the
organization where this application or proceeding is assigned
is 571-273-8300.

   Information regarding the status of an application may be
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Representative or access to the automated information system,
call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

W.B.

/Bradley B Bayat/
Supervisory Patent Examiner, Art Unit 4115